



Know Your Rights – DACA Update

On July 16, 2021, a federal judge in Texas issued an order declaring that DACA is an illegal policy. While that decision is being appealed, USCIS is still accepting initial and renewal DACA applications. USCIS will continue to process renewal applications in the usual manner. For initial applications, however, USCIS may accept initial applications, but it cannot grant initial DACA applications while the Texas judge's order is in effect.

WHAT DOES THIS MEAN FOR ME?

Current DACA Recipients

- Current DACA Recipients can continue to apply to renew their DACA. It is recommended that you submit your renewal between 150 and 120 days of the expiration date of your current DACA.
- DACA protections and benefits continue (e.g. deportation protection and work permits)
- Renewal work permits are still valid for two years
- Renewal fee remains \$495

New DACA Applicants

USCIS will accept initial applications, but it cannot and will not approve any initial applications while the judge's order is in effect. Initial applicants must meet the following eligibility criteria:

- Were under the age of 31 as of June 15, 2012;
- Came to the United States before reaching their 16th birthday;
- Have continuously resided in the United States since June 15, 2007, up to the present time;
- Were physically present in the United States on June 15, 2012, and at the time of making their request for consideration of deferred action with USCIS;
- Had no lawful immigration status on June 15, 2012;
- Are currently in school, have graduated or obtained a certificate of completion from high school, have obtained a general education development (GED) certificate (or other State-authorized exam in the United States), or are an honorably discharged veteran of the Coast Guard or Armed Forces of the United States; and
- Have not been convicted of a felony, significant misdemeanor, three or more other misdemeanors, and do not otherwise pose a threat to national security or public safety.

Even if a first-time applicant meets these criteria, USCIS cannot approve the application at this time.

Speak with an experienced immigration law practitioner before submitting an initial DACA application.

ADVANCE PAROLE

- Advance Parole applications for humanitarian, education, or employment purposes will be accepted for people with DACA.

- **IMPORTANT:** Being granted Advance Parole does not guarantee that you will be allowed to reenter the U.S. It is important that you speak with an immigration attorney or Department of Justice Accredited Representative to understand your situation **BEFORE** traveling outside of the U.S.
- For additional information, visit <https://www.uscis.gov/DACA>

FREE LEGAL HELP MAY BE AVAILABLE

All DACA eligible individuals should consult with a legal service provider for information about applying for DACA, renewing their existing DACA and/or getting screened for eligibility for other, more permanent immigration benefits. To make an appointment with Catholic Migration Services for free legal assistance, please call our office Monday through Friday between 9:00 a.m. and 5:00 p.m. at (718) 236-3000 (Brooklyn office) or (347) 472-3500 (Queens office). You can also send a request with your name, phone number, borough where you reside and language(s) spoken via email to immigrationassistance@catholicmigration.org.

For additional information and free legal advice, you can also contact 311 and ask for “Action NYC”.